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Dated: October 4, 2005

Signature:

Judy Calem
(Judy Calem)

Docket No.: 273012011300
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ronald E. BOCH et al.

Allowed: July 5, 2005

Application No.: 09/833,406

Confirmation No.: 3418

Filed: April 11, 2001

Art Unit: 1615

For: DRUG DELIVERY SYSTEM FOR
HYDROPHOBIC DRUGS

Examiner: G. Kishore

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE UNDER 37 CFR §1.104(E)

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant has received the Examiner's Statement of Reasons for Allowance with the July 5, 2005 Notices of Allowance and Allowability regarding the above-identified application. Entry of the Statement into the record should not be construed as any agreement with or acquiescence in the reasoning stated by the Examiner. Each of the claims stands on its own merits and is patentable because of the combination it recites and not because of the presence or absence of any one particular element.

The Examiner's Statement was not prepared by Applicant and only contains the Examiner's possible positions in one or more reasons for allowability. Thus, any interpretation with respect to the Examiner's Statement of Reasons for Allowance should not be imputed to the Applicant.

As such, applicants clarify the statement made as follows. Although prior art of record did not teach a composition which "consists of only micelles comprising phospholipids and hydro-monobenzo-porphyrin photosensitizers with diameters below 100 nm," the claims are not limited to "consisting of only" such components.

These comments are filed along with the payment of the issue fee herewith.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 273012011300. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 4, 2005

Respectfully submitted,

By _____

Carolyn A. Favorito

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/833,406
		Filing Date	April 11, 2001
		First Named Inventor	Ronald E. BOCH
		Art Unit	1615
		Examiner Name	G. Kishore
Total Number of Pages in This Submission	5	Attorney Docket Number	273012011300

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Comments On Statement of Reasons For Allowance Under 37 CFR §1.104(E) (2 pages); PTO Form PTOL-85, Part B (1 page plus duplicate for fee processing); Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

CUSTOMER NO.: 25225

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Carolyn A. Favorito		
Date	October 4, 2005	Reg. No.	39,183

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